

RECEIVED
CENTRAL FAX CENTER

JUL 28 2010

July 25, 2010

Examiner Phong H. Nguyen
United States Patent and Trademark Office
Group Art Unit 3724
USPTO BOX 1450
ALEXANDRIA, VA 22313 USA

Subject: US Patent Application No. 10/542,259

Sir,

The undersigned (Guirgis) who is the owner of a technology known as the "Resonance-Fatigue Fracturing Technology" (RFFT) which is described in a thesis entitled "Fatigue Crack Propagation in Steel Components at Resonance" (Thesis) and in the following patents: CA2,287,140; US6,644,529; EP1324849; US7,143,915; DE60028835TT2 and US7,497,361, has the opinion that the applicant of US 10/542,259 (Wisniewski) has failed to adhere to the duty of disclosure requirements. The attention of the Examiner is respectfully drawn to the following:

1. Guirgis was directed by a DaimlerChrysler contact person to deal directly with Alfing as one of the major suppliers of DaimlerChrysler after the automaker had indicated to have interest in the RFFT (Attachment A12).
2. Wisniewski and the management of the corporation (Alfing) that owns patents for the same invention in countries other than the USA are well aware of the technical details of the RFFT.
3. The technical details of the RFFT were disclosed to Wisniewski, other staff members and managers of Alfing during a special visit made by Guirgis to Alfing facility in Germany in July of 2001. The visit was arranged by Alfing (Attachments A01 to A04) and was made in acceptance of an invitation from Alfing (Attachments A15 to A18).

4. **Following the visit of July 2001, Guirgis remained in contact with Alfing managers as a follow up and to inquire about the result of the tests conducted in order to verify the concept of his invention. During the period that followed the visit of July 2001 until the spring of 2003, Guirgis was continuously informed by the managers of Alfing that the testing program**

BEST AVAILABLE COPY